

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

JOSHUA MICAH CHRISTENSEN,)	
)	Case No. 2:23-cv-174
<i>Plaintiff,</i>)	
)	Judge Atchley
v.)	
)	Magistrate Judge Wyrick
KINGSPORT SESSIONS COURT DIV III,)	
<i>et al.,</i>)	
)	
<i>Defendants.</i>)	
)	
)	

ORDER

On January 2, 2024, United States Magistrate Judge Cynthia R. Wyrick filed a Report and Recommendation [Doc. 5] pursuant to 28 U.S.C. § 636 and the Rules of this Court. Magistrate Judge Wyrick granted Plaintiff’s Motion for Leave to Proceed *in forma pauperis*. [Doc. 5 at 2]. Magistrate Judge Wyrick also screened the Complaint pursuant to 28 U.S.C. § 1915 and found that Plaintiff’s challenge to his state court conviction is premature and that his Complaint fails to state a claim for malicious prosecution. [*Id.* at 5–6]. Based on these findings, Magistrate Judge Wyrick recommends that Plaintiff’s Complaint [Doc. 2] be dismissed with prejudice, although Magistrate Judge Wyrick’s recommendation clarifies that dismissal of Plaintiff’s Complaint would not bar “a subsequent malicious prosecution claim against the proper defendants should Plaintiff’s conviction later be overturned.” [Doc. 5 at 7].

Plaintiff has not filed an objection to the Report and Recommendation, and the time to do so has now passed.¹ The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge Wyrick's conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Wyrick's findings of fact and conclusions of law as set forth in the Report and Recommendation. [Doc. 5]. Thus, Plaintiff's Complaint [Doc. 2] is **DISMISSED WITH PREJUDICE**. This dismissal does not prevent Plaintiff from bringing a malicious prosecution claim against the proper parties if his state court conviction is subsequently overturned.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE

¹ Magistrate Judge Wyrick advised that the parties had fourteen days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. [Doc. 5 at 7 n.2]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) ("It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.").